IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09 CR 13

UNITED STATES OF AMERICA	)	
	)	
Vs.	)	ORDER
	)	
DORIS FOSTER.	)	
_____	)	

THIS CAUSE coming on to be heard and being heard before the undersigned, pursuant to a motion filed by counsel for the defendant entitled "Motion to Withdraw" (#305). It appearing to the court at the call of this matter on for hearing, that the Government was present through Assistant United States Attorney Don Gast, and the defendant was present along with her counsel, M. Victoria Jayne. At the hearing of the motion, it appears that defendant's counsel, who was retained by the defendant, has stated grounds, pursuant to Rule 1.61(b)(3)(4) of the Rules of Professional Conduct of the North Carolina State Bar whereby defendant's counsel may withdraw from representing the defendant. Based thereon, the undersigned finds that good cause has been shown for the granting of the motion of Ms. Jayne for permission to withdraw as attorney for the defendant.

ORDER

IT IS, THEREFORE, **ORDERED** that the motion (#305) of M. Victoria Jayne

to withdraw as counsel for the defendant is hereby **ALLOWED** and that Ms. Jayne

is allowed to withdraw as attorney for the defendant. Ms. Jayne is **ORDERED** and

directed to provide all documents and other materials, other than discovery materials,

to the new counsel for the defendant which has been appointed by the court by

separate oral Order. Ms. Jayne is further directed to return to the United States

Attorney any documents that were obtained in discovery from the Office of the

United States Attorney. It is further **ORDERED** that the United States shall, by

Friday, July 31, 2009, file a notice notifying the new attorney for the defendant as to

whether or not the government is going to continue to allow there to be open file

discovery or if discovery will be as provided in Rule 16 of the Federal Rules of

Criminal Procedure.

Signed: July 30, 2009

Dennis L. Howell
United States Magistrate Judge